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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,750	08/28/2003	David Elliott Norton JR.	249212022500	1756

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MORRISON & FOERSTER LLP
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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2627

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,750

Applicant(s)

NORTON, DAVID ELLIOTT

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19 and 21-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-19 and 21-34 is/are allowed.
- 6) ☒ Claim(s) 35-46 is/are rejected.
- 7) ☒ Claim(s) 47 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 35 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim U.S. Patent No. 6,762,712.

Regarding claim 41, Kim discloses a correlation receiver for detecting a pulse input signal comprising a bandpass filter, having a transfer function, for bandpass filtering the input signal, a correlation filter (1191) for correlation filtering the bandpass filtered signal, the correlation filter having a transfer function based upon the transfer function of the bandpass filter, and a detector (1194) for detecting peaks of the correlation filtered signal (column 26, lines 59-67 and column 27, lines 1-25).

Furthermore, it is considered that a transfer function is a mathematical statement that describes a relation between the input and the output of a system. Since the output of the bandpass filter is the input of the correlation filter, the transfer function of the correlation filter is “based upon” the transfer function of the bandpass filter.

Regarding claim 35, method claim 35 is drawn to the method of using the corresponding apparatus claimed in claim 41. Therefore method claim 35 corresponds to apparatus claim 41 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Patent No. 6,762,712 in view of Stein et al U.S. Patent No. 6,469,862.

Regarding claims 36 and 42, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see Response to Arguments).

5. Claims 37-40 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Patent No. 6,762,712 as modified by Stein et al U.S. Patent No. 6,469,862 and further in view of Saliba et al U.S. Patent No. 6,558,774.

Regarding claims 37-40 and 43-46, the rejections applied to the claims in the previous Office action mailed August 22, 2005 are herein repeated for the same reasons (see Response to Arguments).

Allowable Subject Matter

6. Claims 1, 2, 4-19, and 21-34 are allowed.

Regarding claims 1, 2, 4-19, and 21-34, claims 1 and 18 disclose an apparatus and corresponding method for detecting peaks of a correlation signal, comprising determining whether an amplitude of a pulse of the correlation signal exceeds by at least a first delta value an amplitude of a prior peak, if so, setting an amplitude of a new peak as the amplitude of the prior

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peak increased by a second delta value, wherein the second delta value is a value of an increasing function of the time between the prior peak and the pulse which is neither disclosed or an obvious variation of the prior art.

7. Claims 47 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 47 and 48, prior art fails to teach or suggest an apparatus or corresponding method for detecting peaks comprising all the limitations of claims 35 and 41 respectively further comprising determining whether an amplitude of a pulse of the correlation-filtered signal exceeds by at least a first delta value an amplitude of a prior peak, and if so, setting an amplitude of a new peak as the amplitude of the prior peak increased by a second delta value.

Response to Arguments

8. Applicant's arguments with respect to claims 35-46 have been considered but are moot in view of the new grounds of rejection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DLN 
August 15, 2006


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER